

REMARKS

By this submission previously pending claim 9 is amended. No new matter is introduced by the submitted amendments.

It is requested in view of the now submitted amendments along with the following discussions that all rejections reported in the previously issued Office action be reconsidered and not repeated in any further action issued for this application.

Claim Rejection – 35 USC §102

It is reported that claims 9-15 and 17-19 are rejected under 35 USC §102(b) as being anticipated by Marzili (US Patent No. 4,668,039). These reported rejections are believed to be overcome in view of the now submitted claim amendments and the following discussions.

Attention exclusively is invited here to independent claim 9, which is reported rejected under 35 USC §102, and from which all of the other reported anticipation rejected claims depend, because if an independent claim recites allowable subject matter over the asserted anticipatory publication then all claims dependent from that independent claim also recite subject matter that distinguish over the asserted anticipatory publication.

These conclusions concerning overcoming reported anticipation rejections in at least part are premised from the fact that:

[F]or [there to be] anticipation under 35 USC §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.
(Emphasis added, MPEP §706.02)

As to dependent claims reciting allowable subject matter these conclusions are supported in the case of anticipation from 35 USC §112, paragraph 4, where it is provided that a “claim in dependent form shall be construed to incorporate by reference all the limitations of the base claim to which it refers.” Thus, if Marzili fails to disclose or suggest any aspect recited in base independent claim 9 then the rejected dependent claims would include such aspect and therefore also would not be anticipated.

“[E]very aspect of the claimed invention” in this case is not taught or “inherently present” in Marzili because amended independent claim 9 includes such recitations as:

- “said at least one hole having an inside wall sized so that said at least one positioning pin is compression fit in said at least one

hole by the non-circular cross section of said at least one pin having at least one outside dimension along said longitudinal axis of said at least one position pin that is larger than a corresponding inside dimension of the wall of said at least one hole"; and ,

- "wherein at least one electrical conductor disposed on said contact partner can be attached for electrical connection to a portion of said at least one electrical lead extending out from said strain-relieving element where said at least one electrical lead has a longitudinal axis that is parallel to the longitudinal axis of said at least one positioning pin."

The now recited hole through the contact partner and the positioning pin dimensional relationships, and the location of the portion of the electrical lead electrically connected to the contact partner electrical conductor as being where the electrical lead extends out from the strain-relieving element and has a longitudinal axis that is parallel to the longitudinal axis of the positioning pin are all explicitly consistent with disclosures in the filed application specification and therefore add no new matter.

In absolute contrast Marzili fails to teach or imply both such dimensional relationship between the hole through the contact partner and the positioning pin, and such location for electrical connection between the electrical conductor and the electrical lead as being where the electrical lead extends out of the strain-relieving element. Instead, Marzili discloses:

- A pair of latch arms 42 with each having a shallow V channel 45 that are each positioned in a separate channel 22 so that each shallow V channel 45 engages a respective rib 23¹ (col. 2, lines 41-49 and Fig 1); and,
- Electrical connection is made between slotted plate 5 and conductor 3 where the longitudinal axis for latch arm 42 is not parallel to any longitudinal axis of conductor 3, but where the latch arm 42 longitudinal axis is perpendicular to a longitudinal axis for conductor 3 (See Fig 3). Such disclosure is nowhere contradicted in Marzili Fig 6, but is consistently continued.

Thus, now recited limitations for positioning pin outside dimensions and contact partner inside hole dimensional relationships, and the electrical conductor, electrical lead interconnection location vis-a-vis orientation outside the strain-relieving element and the positioning pin orientation

¹ Marzili does not disclose a hole 25, as is asserted in the Office action, but instead consistently discloses that element 25 is a "ramped notch" (see col. 3, lines 25-26 and Figs. 1 and 3) used to facilitate passage of a detent 47 when termination force is applied.

distinguish the recited subject matter of independent claim 9 from Marzili so that anticipation under 35 USC §102 fails.

Accordingly, it is submitted that independent claim 9 recites at least these structural limitations that are not explicitly or inherently read on by the Marzili patent, and, therefore, all anticipation reported rejected claims now indeed are not anticipated by the Marzili patent.

Claim Rejections - 35 USC §103

It further is reported that claim 16 is rejected under 35 USC §103(a) as being obvious over Marzili in view of specification “admitted prior art.” This reported rejection is believed to be overcome in view of the now submitted claim amendments and the following discussions.

The reported rejected claim 16 is dependent from base independent claim 9. This independent claim has not been reported as being obvious in view of any cited art, and as discussed above, it is believed that this now amended independent claim is not anticipated. These facts it is asserted render the claim dependent from base claim 9 that is reported as being obvious to also recite allowable subject matter:

Dependent claims are nonobvious under 103 if the independent claims from which they depend are nonobvious. (Citations omitted, In re Fine, 5 USPQ2d 1596, 1600 (Fed. Cir., 1988)).

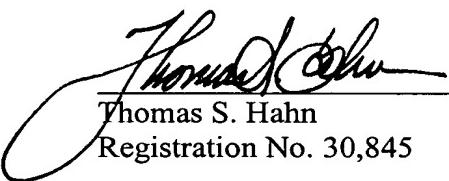
In view of the facts of this case if independent claim 9 is not anticipated as reported, it also is nonobvious as was not reported. Therefore, it is believed that the reported rejection of claim 16 under 35 USC §103 is overcome.

CONCLUSION

In light of the above discussions, it is believed that the now amended claim and all previously pending dependent claims are in condition for allowance and a notice of the same is requested. Should the Examiner have any question, request or suggestion, he is invited to contact the undersigned attorney at the telephone number set out below.

Respectfully submitted,

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Date



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